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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,463	12/12/2003	Barry Wambold	87358.3020	8814

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EXAMINER	
AGRAWAL, CHRISTOPHER K	

ART UNIT	PAPER NUMBER
3726	

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/733,463	WAMBOLD ET AL.	
	Examiner	Art Unit	
	Christopher K. Agrawal	3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-21 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-21 is/are rejected.

7)☒ Claim(s) 13 and 18 is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 12/12/03.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The reference of the Information Disclosure Statement filed 12/12/2003 has been considered by the examiner.

Claim Objections

2. Claim 3 is objected to because of the following informalities: As submitted, claim 3 depends from claim 2. It appears that claim 2 was intended to depend from claim 1 and has therefore been examined as such. Appropriate correction is required.

3. Claim 13 is objected to because of the following informalities: As submitted, claim 13 depends from claim 10. It appears that claim 13 was intended to depend from claim 12 and has therefore been examined as such. Appropriate correction is required.

4. Claim 16 is objected to because of the following informalities: As submitted, claim 16 depends from claim 9. It appears that claim 16 was intended to depend from claim 12 and has therefore been examined as such. Appropriate correction is required.

5. Claim 18 is objected to because of the following informalities: As submitted, claim 18 depends from claim 1. It appears that claim 18 was intended to depend from claim 17 and has therefore been examined as such. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Whetstone (U.S. Patent No. 6,408,497).

8. *Claim 1:* Whetstone teaches a tool **10** for inserting a radial seal **54** into a dovetailed groove **62**, the tool comprising: a first part **20** having a first face **28** at a first angle relative to a plane of the seal; and a second part **30** having a second face **42** opposed to the first face, and at a second angle relative to the plane of the seal.

9. *Claim 6:* Whetstone also teaches the tool of claim 1 wherein the first and second faces each lie in a respective conical plane.

10. Claims 1, 7, 12 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Hering et. al. (U.S. Patent No. 6,862,789).

11. *Claim 1:* Hering teaches a tool **10** for inserting a radial seal **3** into a dovetailed groove **4**, the tool comprising: a first part **15** having a first face **16** at a first angle relative to a plane of the seal; and a second part **13** having a second face **14** opposed to the first face, and at a second angle relative to the plane of the seal.

12. *Claim 7:* Hering teaches a tool **10** for inserting a radial seal **3** into a dovetailed groove **4**, the tool comprising: a first part **15** having a first face **16** at a first angle relative to a plane of the seal; and a second part **13** having a second face **14** opposed to the first face, and at a second angle relative to the plane of the seal, wherein the first and second angle form an included angle between the faces **(see Figs. 2 and 3)**.

13. *Claim 12:* Hering teaches a tool **10** for inserting a radial seal **3** into a dovetailed groove **4**, the tool comprising: a first part **15** having a first face **16** at a first angle relative to a plane of the seal; a second part **13** having a second face **14** opposed to the first face, and at a second angle relative to the plane of the seal; and means for urging the first and second faces towards each other **(Col. 2 lines 26-28; Col. 3 lines 47-49)**.

14. *Claim 17:* Hering teaches a method for inserting a radial seal **3** into a dovetailed groove **4**, the method comprising: locating a first part **15** having a first face **16** at a first angle relative to a plane of the seal; locating a second part **13** having a second face **14** opposed to the first face and at a second angle relative to the plane of the seal; and compressing the first part and the second part together to urge the first and second faces together against the radial seal until the seals enters the groove **(Col. 1 lines 38-42; Col. 2 lines 23-29; Col. 2 lines 49-52)**.

15. With respect to the angles of the two faces, examiner interprets the faces of Hering to be of certain angles relative to the seal for the purpose of compressing and imparting a radially inward force to the seal. Angles of zero degrees to 90 degrees are considered sufficient to meet this limitation.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

17. Claims 1, 7, 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hering (U.S. Patent No. 6,862,789) in view of Whetstone (U.S. Patent No. 6,408,497).

18. In the event that the angles claimed in the invention are asserted to define angles greater than zero, examiner cites the angled faces of Whetstone which are used for inserting a radial seal into a dovetailed groove.

19. Hering teaches the tool as described above but fails to teach the tool comprising a first face at a first non-zero angle and a second face at a second non-zero angle.

20. Whetstone teaches a tool **10** for inserting a radial seal **54** into a dovetailed groove **62**, the tool comprising: a first part **20** having a first face **28** at a first angle relative to a plane of the seal; and a second part **30** having a second face **42** opposed to the first face, and at a second angle relative to the plane of the seal for the purpose of urging the seal into a dovetailed groove. It would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated the angled faces, as taught by Whetstone, in the tool of Hering for the purpose of urging the seal into the dovetailed groove.

21. Claims 2, 3, 4, 8, 9, 11, 13, 14, 15, 18, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hering (U.S. Patent No. 6,862,789).

22. *Claims 2-4, 8, 9, 13-15 and 18-20:* Hering teaches the tool of claim 1 as described above but fails to teach the tool wherein the angles are of substantially equal magnitude in the range of 5-8 degrees, or wherein the total included angle is from 10-16 degrees. It would have been obvious to one of ordinary skill in the art at the time of the invention to have designed the tool to have equal angles since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). The optimum angle for the opposed faces could have been determined by one of ordinary skill in the art through routine experimentation.

23. *Claim 11:* Hering teaches the tool of claim 7 as described above but fails to teach the tool wherein the first and second faces each lie in a respective conical plane. It would have been obvious to one of ordinary skill in the art at the time of the invention to have designed the tool to have two conical planes since Hering teaches the incorporation of at least one conical plane defined by the chamfered recess **16 (Col. 2 lines 49-51)**. It has been held that mere duplication of features involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.,* 193 USPQ 8.

24. Claims 5, 10, 16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hering (U.S. Patent No. 6,862,789) in view of Calvert (U.S. Patent No. 3,981,066).

25. Hering teaches the tool of claim 5 but fails to specifically teach the incorporation of threaded receptacles, corresponding bores, and bolts for bringing the tool parts together since it teaches the use of pneumatic means for bringing the parts together.

26. Calvert teaches the use of threaded cap screws **62** for urging two parts of a seal assembly device together. It would have been obvious to one of ordinary skill in the art at the time of the invention to have exchanged the pneumatic actuation of Hering with the screw actuation of Calvert. It is well known in the art to exchange between equivalent linear actuation such as hydraulic, pneumatic, screw or solenoid depending on the various design parameters such as size or available power supply for the purpose of optimizing the design or method.

Conclusion

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

28. U.S. 6,837,253 teaches the exchangeability of pneumatic and screw actuation for a Processing Tank valve with Improved Quick Release Valve.

29. U.S. 6,694,591 teaches Systems and Methods for Applying Ring Shaped Seal Members.

30. U.S. 6,360,419 teaches the installation of an annular ring for a Garbage Disposal Spilt-Ring Insertion Device.

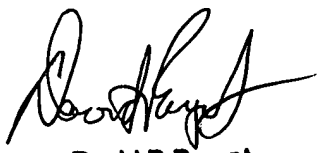
31. U.S. 3,705,455 teaches the exchangeability of hydraulic and screw actuation for a Replaceable Roller Surface for Conveyor and Application Techniques Therefor.

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher K. Agrawal whose telephone number is (571) 272-3578. The examiner can normally be reached on Mon-Fri 8AM-4:30PM.

33. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

34. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CKA



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Primary Examiner

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Art Unit 3726